

RECORD OF ORDINANCES

0263

23-08

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. 23-08

Passed March 10, 2008

3/4/08-gmk
(Finance & Property)

Ordinance No. 23-08

An ordinance directing the appropriation of Parcel No. 5WD, T, S (Auditor's parcel number 92-08687 and being part of Lot 4437) in the City of North Canton to proceed and directing the Director of Law of the City of North Canton to make application to the Court of Common Pleas Probate Division of Stark County, Ohio, and declaring the same to be an emergency.

WHEREAS, on the 24th day of January, 2008, the Council of the City of North Canton adopted Resolution 1-08 declaring the necessity and intention of appropriation of land hereinafter described, notice of the adoption has been served on the owners, persons in possession and having an interest of record in said premises as provided by law.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, STATE OF OHIO:

Section 1. That a fee interest in Parcel No. 5-WD as described in the Warranty Deed appended hereto as "Exhibit A" for the improvement of Applegrove Street in the City of North Canton is hereby appropriated for the public purpose of improvement of Applegrove in the City of Canton for highway improvement purposes.

That a temporary right-of-way for highway improvements, over and upon the land described in the Temporary Right of Way Easement for Parcel No. 5-T appended hereto as "Exhibit B" is hereby appropriated for the public purpose of improvement of Applegrove Street in the City of Canton for highway improvement purposes.

That a fee interest to construct, use, maintain and keep in repair of a storm sewer, necessary for real drainage, together with necessary manholes and underdrains, and appurtenances as described in the Easement of Sewer Purposes Parcel 5S appended hereto as "Exhibit C".

Section 2. That the Director of Law of the City of North Canton, be, and is hereby authorized and directed to apply to a court of competent jurisdiction to have a jury empaneled to make inquiry into and assess the compensation to be paid for the fee simple in the premises described at Section 1 above.

Section 3. That it is desirable and in public interest that the City take immediate Possession of the property and any structures thereon and that the amount to be deposited with the Clerk of Court at the time of the filing of the complaint to secure the fee interest and right of entry under the provisions of Chapter 163 of the OHIO REVISED CODE is \$16,800.00 paid by a voucher drawn and paid in the Court of Common Pleas at the time of the filing of the complaint for the appropriation.

Section 4. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the health, safety and peace of the City of North Canton and necessary for the expeditious and timely assemblage of right of way for the Applegrove Widening Project; wherefore, this ordinance shall take effect and be in full force immediately upon its adoption by Council and approval by the Mayor.

North Canton, OH
Passed: 3/10/08

MAYOR

SIGNED: 3-11, 2008

ATTEST:

Gail M. Kalpac
CLERK OF COUNCIL